

The Honorable Richard A. Jones
Hearing Date: September 18, 2020

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ATM SHAFIQUL KHALID, an individual, and
on behalf of similarly situated, Xencare
Software, Inc.,

Plaintiff,

VS.

CITRIX SYSTEMS, INC., a Delaware corporation, AKA John Doe *n*.

Defendant.

No. 2:20-cv-00711-RAJ

DECLARATION OF SARAH E.
AMES IN SUPPORT OF
DEFENDANT CITRIX SYSTEMS,
INC.'S MOTION TO DISMISS
UNDER RULES 12(B)(1) AND
12(B)(6)

I, Sarah Ames, declare and state as follows:

1. I am an attorney at Davis Wright Tremaine LLP and among counsel of record for Defendant Citrix Systems, Inc. (“Citrix”) in this litigation. I am over the age of 18, have personal knowledge of the facts set forth in this declaration, and am in all ways competent to make this declaration and testify to those facts.

2. A true and correct copy of the Complaint filed on October 2, 2015 in ATM
Shafiqul Khalid. v. Citrix Systems, Inc. in King County Superior Court of Washington No. 15-
2-24309-8 SEA (“the State Action”) is attached as Exhibit 1.

3. A true and correct copy of an August 17, 2020 letter from the Court of Appeals to counsel for appellant/respondent Khalid and counsel for appellant/respondent Citrix setting a September 30, 2020 hearing date for the appellate matters is attached as Exhibit 2.

1 4. A true and correct copy of the complete docket for the State Action is attached
2 as Exhibit 3.

3 5. A true and correct copy of First Amended Complaint filed February 7, 2017 in
4 the State Action is attached as Exhibit 4.

5 6. A true and correct copy of copy of the First Amended Complaint filed on April
6 26, 2020 in *ATM Shafiqul Khalid and Xencare Software, Inc. v. Microsoft Corporation, et al.* in
7 the United States District Court for the Western District of Washington No. 2:19-cv-00130-
8 RSM is attached as Exhibit 5.

9 7. A true and correct copy of the Second Amended Complaint filed on November
10 29, 2019 in *ATM Shafiqul Khalid and Xencare Software, Inc. v. Microsoft Corporation, et al.* in
11 the United States District Court for the Western District of Washington No. 2:19-cv-00130-
12 RSM is attached as Exhibit 6.

13 8. A true and correct copy of the complete docket for the United States District
14 Court for the Western District of Washington No. 2:16-cv-00650-JCC, including docket entries
15 regarding Plaintiff's Motion to Remand, is attached as Exhibit 7.

16 9. A true and correct copy of the court's Order Granting Citrix's Motion for Partial
17 Summary Judgment on its Lanham Act Claims entered June 21, 2017 in the State Action is
18 attached as Exhibit 8.

19 10. A true and correct copy of Plaintiffs' Notice of Appeal minus attachments filed
20 October 23, 2018 in the State Action is attached as Exhibit 9.

21 11. A true and correct copy of Citrix's Notice of Appeal minus attachments filed
22 October 23, 2018 in the State Action is attached as Exhibit 10.

23 12. A true and correct copy of Citrix's Trial Brief filed July 9, 2018 in the State
24 Action is attached as Exhibit 11.

25 13. A true and correct copy of the court's Amended Order on Plaintiffs' Motion for
26 Partial Summary Judgment entered June 26, 2017 in the State Action is attached as Exhibit 12.
27

14. A true and correct copy of Citrix's Answer to First Amended Complaint filed March 8, 2017 in the State Action is attached as Exhibit 13.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 26th day of August, 2020, at Seattle, Washington.

/s/ Sarah E. Ames

Sarah E. Ames

AMES DECLARATION IN SUPPORT
OF DEFENDANT'S MOTION TO DISMISS
(2:20-cv-00711-RAJ) - 3

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure

DATED at Bellevue, Washington this 26th day of August, 2020.

Lauree Anne Lingenbrink,
Lauree Anne Lingenbrink
Legal Assistant

**AMES DECLARATION IN SUPPORT
OF DEFENDANT'S MOTION TO DISMISS
(2:20-cv-00711-RAJ) - 4**

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